

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7729 OF 2006

Bhanudas Ramchandra Dhole Petitioner.

V/s

National Horticultural Research
& Development Foundation & Anr. Respondents.

Ms. P.V. Badadade with Mr. V.P. Patil for the Petitioner.

Mr. M.S. Karnik for Respondent Nos. 1 and 2.

CORAM: **H.S. BEDI, C.J., &**
V.M.KANADE, J.

DATE : **December 19, 2006**

P.C.

1. We have heard the learned Counsel for the parties.
2. A reply has been filed by the Respondents pointing out that the transfer of the petitioner has been made in the routine course of administration and that the petitioner had been transferred to Lasalgaon on his request. The fact that the Petitioner's wife is suffering from terminal cancer has, however, not been denied. We are, therefore, of the opinion that transfer of the Petitioner from Lasalgaon to Kurnool in

Andhra Pradesh in the circumstances would be unacceptable and utterly inhuman notwithstanding the fact that the Respondents do have a right to transfer an employee from one place to another.

3. We accordingly allow this Petition and set aside the impugned transfer order at Exhibit-C to the Petition qua the Petitioner alone. The case of the Petitioner for transfer be reconsidered after one year if there is a change in circumstances.

4. The Petition is disposed of accordingly.

CHIEF JUSTICE

V.M. KANADE, J.